

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

DANIEL BRYAN KELLY,

Plaintiff,

V.

RICKY OWENS, et al.,

Defendants.

CIVIL ACTION NO.: 2:05-cv-1150-T

DEFENDANTS' JOINT FIRST MOTION IN LIMINE

COME NOW the Defendants and submit this Joint Motion in Limine to exclude all evidence of any alleged violations of the Plaintiff's federally protected rights and other wrongful conduct engaged in by the Defendants that took place prior to the applicable statutes of limitations. As grounds therefore, Defendants state as follows:

1. The Plaintiff filed his lawsuit on December 6, 2005.
2. The applicable statute of limitations for the Plaintiff's 42 U.S.C. § 1983 claims is two years. Hughes v. Lott, 350 F.3d 1157, 1163 (11th Cir. 2003) (holding that Alabama's two-year statute of limitations was applicable to § 1983 actions).

3. Any evidence concerning alleged violations of the Plaintiff's federally protected rights and/or other alleged wrong doings on the part of the Defendants that took place prior to December 6, 2003 should be excluded under Fed. R. Evid. 402 and 403. Such evidence is irrelevant, of little to no probative value, and highly prejudicial to the Defendants.

WHEREFORE, PREMISES CONSIDERED, Defendants seek an order preventing the Plaintiff from offering any evidence of violations of the Plaintiff's federally protected rights

and/or other wrongful conduct engaged in by the Defendants taking place outside of the relevant statute of limitations of her claims.

Respectfully submitted this 23rd day of January, 2008.

s/Gary L. Willford, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on this the 23rd day of January, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: **Richard J. Stockham, III.**

s/Gary L. Willford, Jr.

OF COUNSEL